

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 7089

BILL NUMBER: HB 1468

NOTE PREPARED: Dec 31, 2008

BILL AMENDED:

SUBJECT: Animal Cruelty.

FIRST AUTHOR: Rep. Lawson L

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: *Conditions of Bail, Probation, or Parole:* The bill authorizes the court, as a condition of bail or parole, or the parole board, as a condition of parole, to prohibit a person from owning, harboring, or training an animal, and, if the person is prohibited from having direct or indirect contact with an individual, from having direct or indirect contact with any animal belonging to the individual.

Reporting: It provides that a veterinarian or registered veterinary technician may report a suspected incident of animal mistreatment to a law enforcement officer, and specifies that the veterinarian or registered veterinary technician is immune from civil liability for reports made in good faith.

Medical Care: The bill also provides that a person neglects an animal if the person fails to provide reasonable medical care for an animal's injury or illness.

Poison: It broadens the definition of torturing an animal by administering poison by applying the definition to all vertebrate animals. (Current law applies only to dogs or cats.)

Animal Cruelty: It makes abandoning or neglecting an animal a Class A misdemeanor, and enhances the penalty to a Class D felony if the person has a prior conviction.

Beating an Animal: It also makes beating an animal a Class D felony.

Effective Date: July 1, 2009.

Explanation of State Expenditures: *Summary:* The bill could increase the costs of incarceration and the

finest received by adding to the conditions of bail, probation, or parole; increasing the penalties for animal cruelty and beating an animal in certain circumstances; and by adding to the definition of animal neglect.

Conditions of Bail, Probation, or Parole: Violation of a condition of bail, probation, or parole could result in an offender serving a period of incarceration or it could extend the period the offender is under community supervision. If an offender is supervised in the community on bail, probation, or parole for a longer period of time, courts may need more staff to supervise more offenders. Any effects of this bill would be at the court's or parole board's discretion.

Neglect and Animal Cruelty: The bill would increase the penalty for cruelty to an animal from a Class B misdemeanor to Class A misdemeanor, or for a prior conviction, to a Class D felony. The bill also adds to the definition of neglect which is an element of the crime of animal cruelty. State expenditures could increase if an offender is incarcerated in a state prison rather than in a local jail. A Class D felony is punishable by a prison term ranging between six months to three years or reduction to Class A misdemeanor. The period of incarceration will depend upon mitigating and aggravating circumstances. The average length of stay in Department of Correction (DOC) facilities for all Class D felony offenders is approximately ten months.

Poison and Beating an Animal: There are no data to indicate how many offenders may be convicted of cruelty to an animal, a Class A misdemeanor, if the definition of torture by poisoning is changed to include all vertebrate animals. Also, under current law, the penalty for beating an animal is a Class A misdemeanor, while torturing or mutilating an animal is a Class D felony. The bill makes both of these offenses Class D felonies.

Background-

Bail, Probation, or Parole: When a court finds that a person who is on probation has violated a condition set by the court, the court can only impose one of the following sanctions:

1. Continue the person on probation with or without modifying or enlarging the conditions;
2. Extend the person's probationary period for not more than one year beyond the original probationary period; or
3. Order execution of all or part of the sentence that was suspended at the time of the initial hearing.

State Incarceration Expense: The average expenditure to house an adult offender was \$20,287 in FY 2008. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the marginal cost per offender for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily. The estimated average cost of housing a juvenile in a state juvenile facility was \$69,223.

Explanation of State Revenues: *Medical Care:* There are no data available to indicate if more offenders would be convicted of cruelty to an animal, a Class B misdemeanor, if failing to provide reasonable medical care for an animal's injury or illness is added to the definition of the crime.

Animal Cruelty: Revenue to the Common School Fund may increase if a person is sentenced for a Class A misdemeanor or a Class D felony rather than for a Class B misdemeanor. The maximum fine for a Class B misdemeanor is \$1,000, while the maximum fine for a Class A misdemeanor is \$5,000 and for a Class D

felony is \$10,000. Court fees of \$120 would remain unchanged.

Poison and Beating an Animal: More revenue to the Common School Fund could be collected if a larger criminal fine is assessed by the sentencing court. The maximum fine for a Class A misdemeanor is \$5,000, while the maximum fine for a Class D felony is \$10,000. Court fees for both misdemeanors and felonies are \$120.

Explanation of Local Expenditures: *Animal Cruelty, Poison, and Beating an Animal:* Costs to local governments could increase for longer periods of incarceration. The maximum term of imprisonment for a Class B misdemeanor is up to 180 days, while the maximum term for a Class A misdemeanor is up to one year. However, if an offender is sentenced to state prison for a Class D felony rather than to a county jail for a Class A or a Class B misdemeanor, the costs to the county may be reduced. The average daily cost of housing a prisoner is an approximately \$44.

Explanation of Local Revenues: *Animal Cruelty, Poison, and Beating an Animal:* Court fees of \$120 would remain unchanged..

State Agencies Affected: DOC.

Local Agencies Affected: Trial courts; local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association.

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